

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACK REESE, FRANCES ELAINE PIDDE,
JAMES CICHANOFSKY, ROGER MILLER,
and GEORGE NOWLIN on behalf of themselves
and a similarly situated class,

Plaintiffs,

v.

CNH GLOBAL N.V., formerly
known as Case Corporation,
and THE COMPANY LLC,

Defendants.

Hon. Patrick J. Duggan
Case No. 04-70592

Class Action

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**PLAINTIFFS' OBJECTION TO NOTICE REGARDING PLAINTIFFS' PENDING
MOTION REGARDING THE CURRENT SCHEDULING ORDER (DOC. ENT. 349)**

NOW COME the Plaintiffs and object to Defendant's Notice Regarding Plaintiffs' Pending Motion Regarding the Current Scheduling Order (Doc. Ent. 349):

1. Defendant's submission of Docket Entry # 349 is not authorized by the Federal Rules of Civil Procedure.

2. Plaintiffs' motion for extension of the current scheduling order is fully briefed and is pending.

3. To be clear, the Plaintiffs did not stipulate to the order submitted by CNH, nor have the Plaintiffs withdrawn their currently pending motion for extension of the scheduling order.

4. Plaintiffs attempted to obtain interim relief from the current scheduling order which requires Plaintiffs to file expert witness reports on June 1, 2013, in part, because there is outstanding discovery which was recently the subject of court order. Docket Entry # 346. Plaintiffs will not receive the ordered discovery responses from CNH until after June 19, 2013 and will then be required to ask their expert witness(es) to supplement their reports with the information obtained through discovery. Rather than inefficiently duplicate efforts, Plaintiffs sought concurrence in a short extension of time for filing their expert witness report(s).

5. At first, Defendant CNH indicated it would agree to a proposed revised scheduling order, but then reneged when presented with a stipulation that contained CNH's very own proposed schedule. Exhibit A.

6. Defendant's proposed dateless schedule is unworkable for the reasons stated in email correspondence to Defendant's counsel earlier today. Plaintiffs' counsel has a very busy practice and it would be unnecessarily difficult to incorporate an 'interval' system into the calendar system. Also, floating deadlines that can be accelerated by forces outside Plaintiffs'

counsel's control are really not deadlines that counsel can plan for and work with easily. Under CNH's dateless schedule, for example, if CNH were to file a brief early, the Plaintiffs' response deadline could be accelerated right into a vacation week or a week during which a trial or an arbitration is scheduled. These are the conflicts scheduling orders with dates can effectively avoid.

7. Plaintiffs reiterate their request for relief in their motion, to wit, that the following scheduling order be adopted by the Court:

September 3, 2013	-	Plaintiffs' experts' reports due
September 24, 2013	-	CNH experts' reports due
October 28, 2013	-	Discovery closes
November 22, 2013	-	Dispositive motion cutoff date
December 13, 2013	-	Dispositive motion responses due
December 23, 2013	-	Dispositive motion reply briefs due

Respectfully submitted,

McKNIGHT, McCLOW, CANZANO,
SMITH & RADTKE, P.C.

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Dated: May 29, 2013

CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2013 I electronically filed the foregoing paper with the Clerk of the Court using the ECF system.

Respectfully Submitted,

McKNIGHT, McCLOW, CANZANO,
SMITH & RADTKE, P.C.

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Dated: May 29, 2013